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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,627	03/06/2002	Bas Ording	P2349-506	4921
Philip W. Marsh BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O. Box 1404 Alexandria, VA 22313-1404				
EXAMINER				
TRAN, MYLINH T				
ART UNIT		PAPER NUMBER		
2175				
MAIL DATE		DELIVERY MODE		
02/16/2012		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/090,627

Applicant(s)

ORDING, BAS

Examiner

MYLINH TRAN

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 41-82 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 41-82 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 10 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-SB03)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Applicant's Amendment filed 10/03/2011 has been entered and carefully considered. Claims 1-40 have been canceled. Claims 41-82 have been added. However, the limitations of the new claims have not been found to be patentable over newly discovered prior arts; therefore, claims 41-82 are rejected under the new ground of rejection as set forth below.

Claim Rejections - 35 USC § 112'

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 55-68 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 55 and 65 recite: "the display constant" on line 5 being insufficient antecedent basis for the claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 41-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson et al. [US. 6,909,443] in view of Glaser et al. [US. 5,883,626].

As to claims 41, 53, 67-68, Robertson et al. teach computer implemented method and corresponding apparatus for providing transition of a graphical user interface element displaying information on a computer display comprising detecting a change in focus from a first window on a computer display to a second window (the user wishes to replace a window 484 in the primary viewing area with a window 480 from a loose stack 482, figure 22A);

and animating a transition of the graphical user interface element to signify that the graphical user interface element has been updated in conjunction with the change in focus, regardless of any user interaction with the graphical user interface element (In the embodiment of Table 1, the user initiates this movement by clicking on window 480. Based on this input, the user interface generates an animation in which window 480 is brought forward from loose stack 482 to the primary viewing area and window 484, which is in the primary viewing area, column 17, lines 48-60).

Robertson et al. fail to teach displaying a graphical user interface element whose position is determined independent of a position of a window. Particularly, Robertson et al. does not expressly mention a floating menu/toolbar from a window.

However, Glaser et al. teach feature at column 6, lines 19-48. Accordingly, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the gui animating of Robertson to include the menu/toolbar floating of Glaser et al. to achieve the claimed invention. One would be motivated to make such a combination is to provide an independent window area to the user.

As to claims 42, 52, 54, 66, while Robertson teaches the step of animating a transition comprises updating the menu bar from a plurality of options pertaining to an application in the first window to a plurality of options pertaining to an application in the second window (column 13, lines 53 through column 14, line 33), Glaser et al. teach the graphical user interface element comprising a menu bar (column 6, lines 27-33).

Accordingly, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the gui animating of Robertson to include the menu/toolbar floating of Glaser et al. to achieve the claimed invention. One would be motivated to make such a combination is to provide an independent window area to the user.

As to claim 43, Robertson et al. teach the step of detecting a change in focus comprising detecting the user clicking on the second window (the user initiates this movement by clicking on window 480).

As to claim 44, Robertson et al. teach detecting a change in focus comprising detecting

the opening of a second application to make the second application active, when the first window was active and the second window was not yet open (column 21, line 50 through column 22, line 20).

As to claim 45, Robertson et al. teach detecting a change in focus comprising detecting, when the first window is active and the second window is open, closing the first window to make the second window active (column 9, lines 52-65).

As to claims 46, 60, 74, Robertson teaches the step of animating a transition comprising rotation animation graphics (column 12, lines 30-45).

As to claims 47, 61, 75, Robertson et al. teach the step of animating a transition comprising scrolling animation graphics (column 12, lines 30-65).

As to claims 48, 62, 76, Robertson et al. teach the step of animating a transition comprises three-dimensional animation graphics (column 12, lines 30-38).

As to claims 49-50, 63-64, 77-78, Robertson et al. teach the three-dimensional animation graphics comprising animation graphics utilizing gray scales and wherein the three-dimensional animation graphics utilize gray scales to achieve a virtual lighting effect because Robertson teaches the animated transition between two windows in a three dimensional structure (column 12, lines 30-38).

As to claims 55, 65, Robertson et al. teach receiving a selection of a second window displaying information associated with the second window in the area in response to the receiving a selection (the user wishes to replace a window 484 in the primary viewing area with a window 480 from a loose stack 482, figure 22A); and providing a user with additional visual notice of the displaying information associated

with the second window that is coordinated with a change of displayed information (In the embodiment of Table 1, the user initiates this movement by clicking on window 480. Based on this input, the user interface generates an animation in which window 480 is brought forward from loose stack 482 to the primary viewing area and window 484, which is in the primary viewing area, column 17, lines 48-60).

Robertson et al. fail to teach displaying information associated with a first window in an area that is always visible; while keeping a projected position of both windows onto a plane of the display constant. Particularly, Robertson et al. does not expressly mention a floating menu/toolbar from a window.

However, Glaser et al. teach feature at column 6, lines 19-48. Accordingly, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the gui animating of Robertson to include the menu/toolbar floating of Glaser et al. to achieve the claimed invention. One would be motivated to make such a combination is to provide an independent window area to the user.

As to claim 56, while Robertson et al. teach the additional visual notice comprises animating the change of displayed information (column 13, lines 53 through column 14, line 33), Glaser teaches the area comprising a menu bar (column 6, lines 19-26)

Accordingly, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the gui animating of Robertson to include the menu/toolbar floating of Glaser et al. to achieve the claimed invention. One would be motivated to make such a combination is to provide an independent window area to the user.

As to claim 57, Robertson teaches the step of displaying information associated with the second window being triggered by detecting the user clicking on the second window (the user initiates this movement by clicking on window 480).

As to claim 58, Robertson et al. teach the step of displaying information associated with the second window being triggered by detecting, the opening of a second application to make the second application active, when the first window was active and the second window was not yet open (column 21, line 50 through column 22, line 20).

As to claim 59, Robertson et al. teach the step of displaying information associated with the second window being triggered by detecting, when the first window is active and the second window is open, closing the first window to make the second window active (column 9, lines 52-65).

As to claims 69, 79, 81, Robertson et al. teach detecting at least one of activating or deactivating a computer program whose output is displayed on a computer display (column 21, line 50 through column 22, line 20); displaying information associated with a second active computer program in the graphical user interface element (the user wishes to replace a window 484 in the primary viewing area with a window 480 from a loose stack 482, figure 22A); and animating a change of information of the graphical user interface element with an in-place transition animation to signify that the graphical user interface element is now associated with the second computer program instead of the first computer program (In the embodiment of Table 1, the user initiates this movement by clicking on window 480. Based on this input, the user interface generates an animation in which window 480 is brought forward from loose stack 482 to the

primary viewing area and window 484, which is in the primary viewing area, column 17, lines 48-60).

Robertson et al. fail to teach displaying information associated with a first active computer program in a graphical user interface element. Particularly, Robertson et al. does not expressly mention a floating menu/toolbar from a window.

However, Glaser et al. teach feature at column 6, lines 19-48. Accordingly, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the gui animating of Robertson to include the menu/toolbar floating of Glaser et al. to achieve the claimed invention. One would be motivated to make such a combination is to provide an independent window area to the user.

As to claims 70, 80, 82, while Robertson teach the step of animating being triggered by a change of focus from the first computer program to the second computer program (In the embodiment of Table 1, the user initiates this movement by clicking on window 480. Based on this input, the user interface generates an animation in which window 480 is brought forward from loose stack 482 to the primary viewing area and window 484, which is in the primary viewing area, column 17, lines 48-60), Glaser et al. teach the graphical user interface element comprising a menu bar (column 6, lines 19-26) Accordingly, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the gui animating of Robertson to include the menu/toolbar floating of Glaser et al. to achieve the claimed invention. One would be motivated to make such a combination is to provide an independent window area to the user.

As to claim 71, Robertson teaches the step of animating a change being triggered by detecting the user clicking on a window belonging to the second active computer program (In the embodiment of Table 1, the user initiates this movement by clicking on window 480. Based on this input, the user interface generates an animation in which window 480 is brought forward from loose stack 482 to the primary viewing area and window 484, which is in the primary viewing area, column 17, lines 48-60).

As to claim 72, Robertson et al. teach the step of animating a change being triggered by detecting the opening of a second computer program to activate the second active computer program, when the first computer program was active and the second program was not yet active (column 21, line 50 through column 22, line 20).

As to claim 73, Robertson et al. teach the step of animating a change being triggered by detecting, when a first window belong to the first computer program is active and a second window belonging to the second active computer program is open, closing the first window to make the second window active (column 9, lines 52-65).

Response to Arguments

Applicant's arguments with respect to claims 41-82 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore, can be reached at 571-272-4088.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mylinh Tran
Art Unit 2175

/William Bashore/
Supervisory Patent Examiner, Art Unit 2175